

REMARKS/ARGUMENTS

This paper is submitted responsive to the Office Action mailed January 5, 2006. Reconsideration of the application in light of the accompanying remarks and amendments is respectfully requested.

In the aforesaid action, the Examiner entered a final rejection of all claims in the application based upon a combination of US Patent Number 6,332,511 to Parlato et al. (Parlato) and US Patent Number 3,142,354 to Kammerer et al. (Kammerer).

It is respectfully urged that the final rejection fails to consider numerous claimed features of the present invention which are not at all present in the art of record, and withdrawal of the rejection and favorable action is therefore respectfully requested.

Claim 1 of the present application calls for a plurality of fiberglass discs. Neither Parlato nor Kammerer discloses this structure. Without elaboration or explanation, the examiner identifies element 122 of Parlato as a fiberglass disc. Element 122 in Parlato is a pack filled with absorptive acoustic material. This is not a disc.

The figures of the present invention show discs 41 (See Fig. 4). Discs 41 are a self supporting structure. The specification describes the sizing of the cans as having outer and inner diameters, respectively, which are sized to fit snugly with the discs. Further, the discs are assembled individually onto rods as part of an assembly that is also discussed in the specification. This makes

clear that the term "disc" as used in the claims, properly construed in light of the specification, calls for a self supporting disc structure which is substantially different from the "packs" disclosed in Parlato. This is true, also, with respect to Kammerer. The art of record fails to disclose or suggest at least this subject matter from claim 1, and therefore the rejection should be withdrawn.

Claim 3 calls for discs and plates to be arranged in a sequence of 2 discs to 1 plate. Such a structure is absolutely absent from the art of record. The Examiner has treated this as rearrangement of parts from Parlato and Kammerer. Neither of these references teaches discs, thus, there are no discs in Parlato or Kammerer to be rearranged. Even assuming for the sake of argument that "packs" 122 meet the disc limitation of the claims, nothing in either reference would suggest taking the "plate" structure from Kammerer and placing it between every two packs, alternating one reactive plate and two packs. To arrive at the claimed invention requires more than mere rearrangement of parts, but selective doubling of some but not all of the parts.

Claim 9 calls for a cloth and screen assembly to be positioned between the inner can and the plurality of fiberglass discs and reactive plates. The Examiner points out that Parlato discusses both a cloth and a screen. However, Parlato does not teach both of these elements being between the inner can and the discs/plates. Parlato teaches a screen in this location, but as to the cloth, teaches the following: "The packs are then individually wrapped in a protective fiberglass cloth", See Parlato,

col. 4, lines 19-20. It is submitted that this teaching is clearly structurally different from the limitations of claim 9, and further that there is no motivation whatsoever for moving this cloth wrap to a different location than is taught by the art of record. Thus, claim 9 is allowable over the art of record.

Claim 10 calls for the cloth and screen assembly to extend between the end plate and the at least one end of the disc/plate assembly. This claim is not at all addressed in the rejection, and the art clearly fails to disclose or suggest such structure. Claim 10 is allowable over the art of record.

Claim 11 calls for the cloth and screen assembly to comprise a polyester cloth attached to a screen member. This claim is not at all addressed in the rejection, and the art clearly fails to disclose or suggest such structure. Claim 11 is allowable over the art of record.

Claim 6 is drawn to the muffler assembly of the present invention wherein the gap between the inner and outer muffler components is selected to be approximately $1/4$ of the wavelength of noise to be dampened. The Examiner has taken official notice that it is well known to establish a distance or depth in the order of $1/4$ wavelength of the desired frequency to attenuate. While this may be true, such public notice would not suggest the location of this distance as set by the present claims. Specifically, it is submitted that the art of record and "official notice" would not lead a person of skill in the art to establish the gap between muffler components as claimed, particularly since the reactive plates and

fiberglass discs are the components believed to be damping the noise and, thus, it would be these components individually, it is submitted, which would be sized according to the official notice taken by the Examiner.

Claim 13 calls for the discs and plates to be mounted in compression to obtain desired density. This structure is not disclosed or suggested by Kammerer who merely teaches that spaces 7 are filled with sound absorbing material.

All other dependent claims depend directly or indirectly from independent claim 1 discussed above, and are submitted to be allowable based upon this dependency and further based upon the specific additional subject matter set forth therein.

Based upon the foregoing, it is submitted that the claims define patentably over the art of record. Favorable action is therefore respectfully solicited.

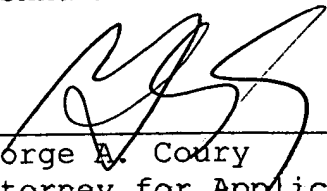
An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

Appl. No. 10/628,156
Response dated April 5, 2006
Reply to Office action of Jan. 5, 2006

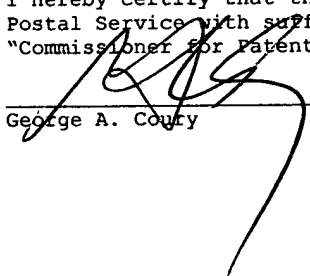
It is believed that no fee is due in connection with this paper. If, however, any fee is due, please charge same to deposit account no. 02-0184.

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April 5, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on April 5, 2006.


George A. Coury